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THE
VIRGINIA MAGAZINE
OF
HISTORY AND BIOGRAPHY.

VOL. VI.

OCTOBER, 1898.

No. 2

ISLE OF WIGHT COUNTY WILLS.

(CONTRIBUTED BY R. S. THOMAS.)

WILL OF ARTHUR SMITH, 1645.

In the name of God, Amen. I, Arthur Smith, of Warrisquike in Virginia, gent, being at this tyme sick and weake in body, but in good and perfect mind and memory praised be Almighty God, doe make and declair this my last will and testament in manner and form following, that is to say, first and before all earthly things I commend my soul into ye hands of Almighty God my maker and to Jesus Christ, his son, my onely Saviour and Redeemer hoping and steadfastly beleiving through his merits to attain everlasting Salvation, and that I shall be numbred amongst his chosen and elect. As for my body I commit it to ye earth from whence it came, to be decently buried in ye garden by my late beloved wife at the discretion of my executors & overseers hereinafter named. And for my worldly estate which it hath pleased God to bestow upon me (my Debts which I owe being first paid and funeral expenses discharged) I give and bequeath ye same in manner and form following: Imprimis. I give and bequeath unto my two sons, Arthur Smith and Richard Smith and to their heirs forever, a certain p'cell of land

called by ye name of the freshett, beginning at a dry valley running out of ye White Marsh to thro' ye path as you goe to Joseph Cobbs and so running along ye path to ye outmost bounds of my land next to Joseph Cobbs to be equally divided between my s^d two sons, share and share alike. . And if it shall happen that either of my sons, shall happen to dep't this Life before he shall enjoy his p't and portion of Land before by me bequeathed them then ye surviv' shall enjoy all of ye s^d p'cell of land to him and his heirs for ever. Item. I give and bequeath unto my Godson, Arthur Long and to his heirs for Ever, one hundred acres of land lying at ye Syprus being p't of ye land which I bought there called by ye name of John Ross Nocks to be measured from the outside thereof next unto ye land of mr. Jas. Hawley: also I give unto my s^d godson a gun and a sow to be delivered to him the next crop after my decease if he shall be then living. I give and bequeath unto my son George Smith and to his heirs for ever all ye residue and remaynder of my afores^d par'ell of land lying at ye Syprus called by ye name of John Ross Nocks after ye s'd one hundred Acres of Land before by me bequeathed being first taken out. I give and bequeath unto my daughter Jane Smith and to her heirs for ever, one hundred acres of land to begin at my m'ked trees adjoining upon the land of Christopher Reynolds measuring from ye breadth thereof towards my new dwelling house, the s'd land in length from ye Creek side not to extend into ye land before by me bequeathed to my two sons Arthur and Richard Smith but ye quantity to be made up in ye breadth. Item. I give and bequeath unto my son Thomas Smith and to his heirs for ever all ye residue and remaynder of my land whatsoever excepting what is already before by me bequeathed which is already taken up by patent, together with all houses, edifices, buildings and boards upon ye same, provided always that ye several stock of cattle there shall hereafter belong to my above named children be mayntained & kept upon all my s^d land until they shall attain to their several Ages to reserve ye same as is hereinafter expressed without lett, molestation of hinderance of ye s^d Thomas his heirs and assigns. . Also I give and bequeath unto my said son Thomas, my seale ring of gold and two cows and two heifers and a bull and two breeding sows being all m'ked of my sons

m'kd, a feather bed with ye furniture belonging to it, a gun, and all my Books, to be delivered unto him immediately after my decease. Item. I give and bequeath unto my God-son Arthur Virgin, the son of Robert Virgin, one yearling heifer to be delivered the next crop after my decease if he shall be then living. The rest and residue of all and singular of my goods, chattels, cattle, plate & estate whatsoever, I give and bequeath the same and every p'te thereof to, and amongst my s^d Children, Thomas Smith, Arthur Smith, Richard Smith, Jane Smith and George Smith to every of them p & p't like as they shall severally attain to ye age of one and twenty years except only ye p't and portion due and belonging to ye s^d Jane, my daughter, which my will and mind is shall be paid and delivered unto her so soon as she shall to ye full age of eighteen years or be married. And further my will and mind is y^t if any of my children shall happen to depart this life before they shall attain to their several ages, or afterwards without issue male of their body lawfully begotten that then ye p' and portion of land to them or any of them bequeathed as aforesaid shall be, go to, and remain to ye heir male of ye survivor or survivors of them, and every of them. And after my will and mind is y^t ye several portions of my children especially household stuff and ye like which is not lasting may be alienated and disposed of by my ex'ors and overseers hereinafter named for ye good and benefit of my s^d children, unto every other thing as they shall think fit: as also the bringing up of my s^d children in the fear of God and to learn to read and write. I refer it to ye discretion and tender care of ye said executors and overseers. And I do hereby make and ordain my s^d son Thomas Smith Sole ex'or of this my last will and testament and my will and minde is that ye benefit of my estate after appraisem^t made shall be and rendered to ye use of all my s^d children p't and p't like, excepting only the legacies before bequeathed to ye s^d Thomas my son, and for ye overseers of this my last will and testament I doe hereby nominate and appoint my Lo. friends Peter Hull, Mr. Peter Knight & Mr. George Hardy requesting them to be aiding and assisting unto my s^d ex'or in ye p'formance of this my last will and testam^t, as my trust is in them. And I do hereby give and bequeath unto every one of them twenty shillings apece to make them Rings in Remembrance of me.

And I do hereby utterly forsake and renounce all form' wills by me either made or spoken. In witness whereof I have hereunto set my hand and seale ye first day of October Anno Dom 1645.

ARTHUR SMITH seale.

Sealed, sign'd, Deliver'd in ye p'sence of us,

Benjamin Burkley,
James Rorhze,
Robert West.

February ye 9th, 1693.

Received by order of the Isle of Wight Courte as and for divers reasons lay'd down in ye book of orders of this date will more fully appear.

HUGH DAVIS, C^l Cur.

NOTE BY R. S. T.—The above will I found in Will Book No. 2, page 330-1-2. He was the founder of a distinguished family. He came to this country in or prior to 1637. On September 10, 1637, he received from Sir John Harvey a patent for 1,450 acres of land for the transportation of twenty-nine persons into the Colony, and he located this land at Smithfield. The patent was renewed by Sir William Berkeley on March 21, 1643 and fifty acres added to it. For a history of the family see *Va. Hist. Collections*, Vol. XI (1891), page 129, et seq; *Virginia Magazine of History and Biography*, Vol. II, page 391, and Vol. III, page 194.

In Will Book No. 2, it is shown that Col. John George and Major James Powell (1677), Mr. Nicholas Smyth and Colonel Arthur Smith (1679); Nicholas Smyth and Thomas Pitt (1680); Lieutenant-Colonel James Powell and Colonel Arthur Smith (1681); Lieutenant-Colonel James Powell and Major Thomas Taberner (1681); Lieutenant-Colonel James Powell and Colonel Arthur Smith (1682); Thomas Pitt and Colonel Arthur Smith (1683); Major Thomas Taberner and Colonel Arthur Smith (1683); Thomas Pitt and Colonel Arthur Smith (1683); Arthur Smith and Henry Applewhaite (1684); Captain Henry Applewhaite and Joseph Worrie (1684); Major Thomas Taberner and Joseph Worrie (1685); Arthur Smith and Henry Applewhaite (1686);

Thomas Pitt and Arthur Smith (1686) were justices of the peace, and granted administration upon estates at the dates mentioned.

The Nicholas Smith above mentioned, the associate justice with Arthur Smith in all of the orders entered (some twenty), always wrote his name Smyth, while Arthur always wrote his, Smith.

Humphrey Marshall on the 5th of June, 1696, returned an inventory of the estate of Nicholas Smith, and the appraisement of the property in the parlor, in the hall, the parlor chamber, the hall chamber, the porch chamber, over the hall chamber, over the parlor chamber, over the porch chamber, &c., was very varied and handsome.

The will of William Smith, of January 5, 1704, speaks of his sons Nathaniel and Nicholas. The will of Mary Smith, October 20, 1715, speaks of Nicholas and Joseph, Ann and Martha.

THE WILL OF JOSHUA TABERNER.

In the name of God, Amen, November 24th, 1656. I, Joshua Taberner, being of whole mind and good and perfect memory, Laud and praise Almighty God, make and ordain this my last will and Testament concerning herein my last will in manner and form following, that is to say:

First. I commend my soul unto Almighty God, Maker and Redeemer, and my Body to be Buried at the Discretion of my Brother, and after my debts paid and my funeral expenses performed the Remainder I bequeath as followeth: I give and bequeath to my brother *Thomas Taberner* all such Houses and Lands, money, or chattels, movables or Immovables as shall any way append unto me either as a portion given or left me by the last will and Testament of my Father *William Taberner* of the county of Derby, or otherwise appertaining or belonging unto me with all profit thereof during his natural life, he my aboves^d Brother Thomas, bestowing as a legacy to my Brother *William Taberner* of the county of Derby and the rest of my father's kindred Ten Pounds Sterling or the value thereof out of my s^d estate in England. And my will is that after my Brother Thomas his decease, his only daughter and Heir *Ruth Taberner*, be possessed with all my aforesaid estate in England as my only Heir

and Executrix, to her and hers for ever. Also I give my cousin *Ruth Tabener* all my female cattle in Virginia being four in number of my own mark to her and her heirs for ever, and the remainder of my whole Estate in Virginia I give to my brother *Thomas Tabener* and further, in case of denyal I give my brother Thomas Tabener full power to sue and by law to recover my s^d estate in England and to see it disposed of according to the Tenner of this my will. And that this my will may be valid and effectual in law according to the Intent and purpose, I conform it with my hand and seal the day and year first above written.

JOSHUA TABERNER seal.

Signed, sealed, and delivered in the presence of us.

William Lewer,
Francis Higgins.

NOTE BY R. S. T.—The wife of Thomas Tabener is a legatee under the will Major-General and Gov. Richard Bennett, dated March 15, 1674, probated in Nansemond August 3, 1676. The wills hold that he lived, and probably died in Nansemond. *New Eng. Hist. & Gen. Register*, January, 1894, page 115. Lieutenant-Colonel James Powell and Major Thomas Tabener were justices of the peace of Isle of Wight in 1681 and Major Thomas Tabener and Colonel Arthur Smith were Justices in 1683.

There is a will of a Thomas Tabener in Will Book No. 2, p. 350, July 24th 1692, in which he speaks of his grandson Joseph Copeland, son of Elizabeth Copeland, his grandson William Webb, son of his daughter Mary, and of his daughters Ruth Newman, Christian Jordan and Elizabeth Wombwell. There is a codicil to the will, February 3, 1693, and it was probated February 9, 1694.

THE WILL OF JOHN VALENTINE.

In the name of God, Amen. I, John Valentine, of the county of Isle of Wight, planter, being sick and weak in Body yet perfect in sense and memory do make this my last will and Testament in form as followeth, May the eighth, 1652:

Imprimis. I bequeath my soul unto the hands of Almighty

God who gave it me, most confidently trusting that he will of his infinite mercy through Jesus Christ my Saviour, accept it, and my Body to be Decently Buried in a place convenient as my execut^{rs} shall think fit and convenient. I do constitute and appoint my trusty and welbeloved friends John Marshall and William Lewis, of the county aforesaid, executors or overseers of this my last Will and Testament to see it really & truly performed according to the True Intent and Meaning thereof without fraud or Deceit. For the land which I am possest withal it is my will that it shall be prop^r to my eldest son James Valentine if he lives till he shall come to the age of twenty and one years, but if he shall die before, then my eldest Daughter Ann Valentine shall enjoy it. But if she die before she is married that then my second Daughter Elizabeth shall enjoy it. And if it shall happen that they shall all die before they come to perfect age or be married according to the p^rmises, that then my youngest daughter Margaret shall enjoy it; and until such time as these my dear children shall come to their full ages, it is my will that my Dearly beloved wife Elizabeth Valentine shall enjoy and possess to her own prop^r use the said land during the time she shall remain a widdow without mollestation of any provided she keep the Orchard in repair making no more than the necessary use of the Timber so that the Land be no ways unnecessarily destroyed to the Damage of my Children. But if she shall chance to marry, that then it shall rest to the discession of my overseers to dispose of it to the benefit of my children. After the discharge of my funeral rights, and my Debts paid I give and bequeath to my Loveing wife the Third part of my estate which shall be left both of Cattle, Chattels, and all other goods, moveably & unmoveable, and the other Two thirds to be equally divided amongst my children by the rule of proportion, that is to say, share and share alike, the s^d estate notwithstanding to rest in the hands of my loveing wife during the time she shall remain a widdow according to the Tennor afores^d according to the disposition of my Land to her, my eldest daughter, Ann Valentine, any thing before mentioned notwithstanding to have no share, nor claim in the promised Legacies of the cattle in regard she hath a considerable stock already confirmed her, therefore I only give and bequeath to her at her marriage, one cow. And in witness of

all the afores^d premises I have hereunto set my hand the day and year aforesaid.

The mark of
JOHN X VALENTINE.

Signed, sealed, subscribed and delivered in the presence of,
Will Weshay,
Nicholas Nethercoat.

NOTE BY R. S. T.—The last Valentine I knew was Mr. E. H. Valentine, who left here and went, I think, to Richmond about 1854 or 1855. He speaks of his friend John Marshall.

Will Book No. 2 is an exceedingly important book of 663 pages of Wills, and eighty-three pages of Deeds. In this book there is a will of a John Marshall, of October 4, 1687. In it he speaks of his son Humphrey, his daughter Mary, his wife — and his brother Humphrey Marshall. John Marshall on June 6, 1667, sold a tract of land to William West, and in the will of William West, of February 7, 1708–9, this John Marshall is spoken of as John Marshall the elder.

These will show that there was more intercourse between Isle of Wight and the Northern Neck than had been supposed, and the above names may be of some value to that branch, and to the Marshalls of Kentucky. (See *I Henn.*, pp. 274 and 427).

THE WILL OF ROBERT WATSON.

Nigh upon the departure of Mr. Robert Watson out of this life, this as his last Will and Testament was the disposing of his estate upon the 6th of November, 1651.

I give to *John Watson*, my Brother, Three Thousand pounds of Tobacco.

I give to my brother *James Watson's* child, Two Hundren acres of Land after the Decease of my wife, Lying upon Pagan Creek Joyning upon Sam Mathews.

I leave my wife sole executrix.

This was proved to be the last will of Mr. Robert Watson in open Court at the Isle of Wight County, ye 9th X^{br}, 1651, by the Oaths of Mr. Robert Dunster Minister & of Mr. Richard Lockyer, merchant, moreover Mrs. Ann Watson Relict of the

said Robert, acknowledgeth that he gave the wife of Toby Harst a cow calf and desired her to remember the youngest daughter of Thomas Fluellen.

NOTE BY R. S. T.—The wills that I have sent you are fragmentary in the extreme, and give but the merest glimpse of society at that early day. To show how very much is omitted, I will merely suggest that in these stray leaves we do not find the wills of such well known public characters as Christopher Laun, Nathaniel Bass, Ralph Hamor, Richard Bennett, Robert Savin, Thomas Jordan, Thomas Flint and John Brewer, John Adkins. Thomas Burgess, William Hutchinson, Robert Felgate, Peter Hull, George Hardy, Arthur Smith, John Seward, John George, Robert Pitt, James Pyland, John Hammond and others, whose names as members of the Council, Justices of the Peace, and Burgesses, will be found in *I Henning*, pp. 129 to 374.

Robert Watson mentions in his will, his wife Ann and his brothers John and James. There is no will of Ann, of John or of James to be found. But John probably died in 1673, for on October 14th of that year, an inventory and appraisal of his estate is returned to the court by Arthur Smith and Richard Sharp his administrators, and it is a splendid one in variety and value, as may be seen by its various headings: milch cows (40), hogs (24), horses (31), bedding and furniture, linen — for the house, linen in the house, woolen, shoes, clothing, &c., plate and rings, guns, pistols, shot, &c. Books, brass, pewter, earthenware, ironware, woodenware, trunks, salt, nails, bills, &c.

A James Watson died in November, 1773, and his wife Elizabeth died on September 20, 1781.

Their children were William Watson, born March 2, 1757, died January, 1783.

John Watson, born July 22, 1759, died 1783.

Elizabeth, born March 15, 1761, died August 30, 1788.

James, born May 10, 1763.

Martha, born June 19, 1765, died June 7, 1818.

Martha Watson married Robert Marshall, October 24, 1784, who was the son of John Marshall, whose will bears date June 24, 1783. In his will John Marshall speaks of his wife Ann, his daughter Ann, his son Robert, and his grandsons Pleasant Jor-

dan, Thomas Jordan, Robert Jordan, John Boykin and Francis M(arshall) Boykin. John Marshall's estate was very large, including some fifty negroes.

Francis Marshall Boykin was the son of Lieutenant Francis Boykin of the 1st Regiment of Virginia regulars, 1775, who married Ann Marshall. Robert Marshall gave to Francis Boykin and to his wife the present court house property.

Martha Watson Marshall, after the death of Robert Marshall, married William Jordan, whose will bears date May 28, 1809, and their only child was Watson Pendleton Jordan, born July 2, 1798, and died August 3, 1860. On the 5th of November, 1818, he was married to Ann M(arshall) Boykin, the only daughter of Francis M(arshall) Boykin, and she died in February 18, 1864. They had seventeen children.

The will of Robert Watson speaks of "Mr. Robert Dunster, Minister." This is in 1651.

The deed of Lieutenant-Colonel John Upton to William Underwood, of November 18, 1651, speaks of Robert Bracewell, Clarke, and James Taylor, Clarke.

In 1642, Isle of Wight was divided into two parishes, the upper and the lower, "provided that the profits of the whole countie shall remain unto Mr. Falkner Clarke during his residence there." *I Henn.*, p. 279. The Rev. John Hammond was in Virginia for twenty years prior to 1656, and was a portion of the time in this county. See *Peter Force*, Vol. III, p. 21 of Leah and Rachel and *I Henn.*, p. 374.

THE WILL OF JUSTINIAN COOPER.

In the name of God, Amen. I, Justinian Cooper, being sick and weak in Body but of perfect memory, Do make this my last Will and Testament, as followeth, this 26th of March, 1650. Imprimis. I Bequeath my Soul to God my Creator and merciful Redeemer, and my Body to the Earth. I give and Bequeath my estate as followeth, my Debts being paid: I give unto all of my Godchildren, to every one of them a cow calf apiece, or so much Tob^a as shall buy them a cow calf to be paid the next ensuing year. I give unto my Brother Richard Cossey Two Hundred Acres of land to him and his Heirs forever, situate, lying

and being the Land he and John Snellocke lives on by the River Side, and to be enjoyed by him and his Heirs after my wives Decease. I give unto Edward Pyland, son of James Pyland, five Hundred pounds Tob^o to be paid next year which will be 1651. I make my loving wife Ann Cooper my true and lawful Executrix of all my Goods, Lands, Cattle, servants, or whatsoever I am possessed with, and I do likewise request my loving friend Capt. William Barnard to be my overseer to see this my will performed and to take one or more to himself to be an aid and assistant to my wife whom he shall think fit. I give unto Capt. Will^m Barnard a piece of plate of ten Pounds, Price to be paid to him the next year, 1651. And in witness that this is my last Will and Testament, I have hereunto set my hand and seal the day and year first above written.

Signum

JUSTINIAN X COOPER seal.

Teste James Pyland,
 Signum
 John X Britt.

NOTE BY R. S. T.—Justinian Cooper and Ann his wife ("late the relic of James Harris"), on the 29th of September, 1629, sold to Wassell Nebleu and George Fawdome, 100 acres of the land that was granted by patent from Sir George Yeardley, December 14, 1619, and on the 2d of April, 1644, he sold to Alice Bennett, widow, 150 acres of land for "a cow and a calf."

This is the first mention of the Cowper family in the county. Captain Frederick Pierce Parker Cowper, of this county, and Leopold Pierce Parker Cowper, of Portsmouth, his brother, have both died since the war. Captain Cowper was one of the finest men I ever knew. One of a thousand incidents in his life will show his character. When a man, prior to the war, he would stop his sloop with a fair wind and fair tide, loaded with freight and passengers, drop his anchor at Fort Norfolk, take his yawl boat, go back to Town Point, and then walk to Church street to get a hoop for a little girl to keep his promise to her, despite the protest of his passengers; he was one of nature's noblemen. Such he lived and such he died. A portion of his family is still here. Another part of it is in Norfolk, and in New York.